

Application Serial No.: 10/807,883
Application Filed: March 24, 2004
Response dated: May 3, 2006
Response to Office Action Mailed: December 29, 2005

REMARKS

This application contains claims 15-23. Claims 1-14 have been previously canceled. Claims 15-23 have been rejected. Claims 15 and 22 have been amended. Therefore, Claims 15-23 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejected Claims 18 and 19 under 35 U.S.C. §112, second paragraph, as being indefinite. Namely, the Office Action states that the terms “the upper”, “the middle”, and “the lower” lacked sufficient antecedent basis and are “unclear since no reference point exists to identify the limitations claimed”. The Office Action rejected Claims 18-21 under 35 U.S.C. §112, second paragraph, as being indefinite. Namely, the Office Action states that these claims lack “structural language to clarify what is claimed”.

Applicant has amended Claim 15 to provide the proper antecedent and structural basis. No new matter has been added. Claims 18-21 depend there from. As such, Applicant respectfully requests that the rejection of claims 18-21 under 35 U.S.C. §112, second paragraph be withdrawn.

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Claim Rejections under 35 U.S.C. §102

Claims 15-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Morrow et al (6,561,932).

In regard to Claim 15, Claim 15 has been amended to include features not present in Morrow et al. Namely, Claim 15 includes, among other features, a pair of sidewalls having inner edge wherein a portion of the length of the inner edge of each sidewall convexes inwardly toward the opposing sidewall. That length portion of the inner edge of each sidewall convexes from the upper portion to the middle portion and from the lower portion to the middle portion. Morrow et al does not show the inner surfaces 39 and 41 being convex from the top to the bottom. Morrow et al shows a recessed channel 38 that is at best concave, not convex. This channel forms the ridge 70 and is specifically used to form “a seat for the ball when it is in the netting”. Column 4 lines 10-25.

Claims 16-21 are dependent back to patentability distinct Claim 15 and include features not disclosed in Morrow. As such, Claims 16-21 are patentable.

In regard to Claim 22, Claim 23 has been amended to include features not present in Morrow et al. Namely, Claim 23 includes, among other features, side walls having an inner edge that is convex from the upper portion to the middle portion and from the lower portion to the middle portion. As previously discussed, Morrow et al does not show the inner surfaces being convex from the top to the bottom.

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In regard to Claim 23, Claim 23 teaches that the opposing lower portions of the inner edge curve outwardly from the opposing middle portions of the inner edge. As previously discussed, Morrow et al does not show the inner surfaces being convex from the top to the bottom.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Amendment and Response to Deposit Account 23-0035.

Respectfully submitted,

/Phillip E. Walker, 52,336/

Phillip E. Walker

Registration No. 52,336

WADDEY & PATTERSON

A Professional Corporation

Customer No. 23456

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ATTORNEY FOR APPLICANT

Phillip E. Walker
Waddey & Patterson
1600 Division Street, Suite 500
Roundabout Plaza
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment for Application No. 10/807,883 and filed March 24, 2004 is being transmitted electronically to:

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Art Unit 3711
Examiner Michael S. Chambers
on May 3, 2006.

Phillip E. Walker

/Phillip E. Walker, 52,336/
Registration No. 52,336